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August 12, 2020

Via ECF

Hon. Ona T. Wang
Magistrate Judge, U.S. District Court for the Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl St.
New York, NY 10007-1312

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Re: *In re Application of Vale S.A. et al. for an Order Pursuant to 28 U.S.C. § 1782 to Conduct Discovery for Use in Foreign Proceedings*

Dear Judge Wang:

I represent Respondent Perfectus Real Estate Corp. (“Perfectus”) and Tarpley Belnord Corp. (“Tarpley”) and write to request a further one-week extension to the schedule set forth in the Court’s July 20, 2020 Order Granting *Ex Parte* Application to Conduct Discovery for Use in Foreign Proceedings Pursuant to 28 U.S.C. § 1782 (the “Order”) (ECF No. 45) in which the Court set a July 31, 2020 deadline for Respondents to file motions to quash or for a protective order with respect to the subpoenas authorized by the Order. This is Perfectus’ and Tarpley’s second request for an extension. On July 30, 2020, the Court granted Respondents, including Perfectus and Tarpley, a two-week extension.

Since its first application for extension, Tarpley and Perfectus have worked diligently to identify the universe of potentially responsive documents and put in motion the process of gathering and reviewing such documents, including from the files of its former counsel at Bryan Cave Leighton Paisner. These records spanning the 10 year period covered by the subpoenas from Vale S.A., Vale Holdings B.V., and Vale International S.A. (collectively, “Petitioners”) are voluminous. In addition, first thing this morning, Tarpley and Perfectus served written Responses and Objections to the subpoenas and proposed the parties meet and confer concerning them. The Responses and Objections identify numerous categories of documents that Tarpley and Perfectus *do not* object to producing. Subject to the entry of a protective order governing the use of confidential documents, Tarpley and Perfectus expect to be prepared to begin producing such documents next week.

Counsel for Tarpley, Perfectus and the Petitioners met and conferred for the first time this evening. Although no resolutions were reached, areas for further discussion were identified and counsel for Perfectus and Tarpley believe that providing additional time for the meet and confer process to be concluded would be constructive and are committed to continuing to work in good faith to eliminate, or at a minimum, narrow the areas of dispute that would need to be brought to the Court. During the initial meet and confer, counsel for Petitioners stated they needed additional time to consider our Responses and Objections before engaging in further discussion. Nonetheless, they declined to consent to this application.



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In light of the foregoing, and in order to allow the meet and confer process to continue, Perfectus and Tarpley hereby request an additional one-week extension to August 21, 2020 of the deadline to file motions to quash or for protective order.

Respectfully submitted,

A handwritten signature in cursive script that reads "Robert J. Cleary".

Robert J. Cleary

cc: Counsel of Record via ECF